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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,729	07/26/2001	David Brown	P 5256.11003	9441
30615 7590 09/25/2008 BIRDWELL & JANKE, LLP 1100 SW SIXTH AVENUE SUITE 1400 PORTLAND, OR 97204				
EXAMINER ROSSELL, MICHAEL				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/916,729

Applicant(s)

BROWN ET AL.

Examiner

Michael Roswell

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 50-64, 68-82, 84-99, 103-117 and 125-128 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 50-64, 68-82, 84-99, 103-117 and 125-128 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notices of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

This Office action is in response to the Request for Continued Examination filed 7 July 2008.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 126 and 127 are rejected under 35 U.S.C. 102(b) as being anticipated by Rassman et al (US Patent 4,937,743), hereinafter Rassman.

Regarding claim 126, Rassman teaches providing that a computer or computer system recognizes appointments with respect to at least the following parameters: (a) a timing parameter effective to specify the timing of the appointment, and (b) a status parameter effective to specify whether the appointment is scheduled or unscheduled (taught as the display of a schedule in two dimensions, where time is located on the Y-axis, and resources, or potential appointments, are located on the X-axis, at col. 8, lines 44-52, and seen in Fig. 1, and further taught at col. 7, lines 31-60. Appointments are indicated graphically as to whether or not they are scheduled.) Rassman further teaches displaying, on a video display device, a plurality of appointments which are recognized by the computer or computer system to be unscheduled, at least one of the plurality of appointments being further recognized by the computer or computing system to have a timing that overlaps at least partially with the timing associated with at least one other of the plurality of appointments (taught as the display of potential

appointments by a graphical "open" designation, at col. 7, lines 35-39 and 57-60, and the graphical overlapping of appointment rectangles, as seen in Fig. 1). Rassman further teaches thereafter, selecting one of the plurality of appointments as displayed for scheduling, including updating the status parameter corresponding to the selected appointment to specify that the selected appointment is scheduled (taught as the display of a scheduling indicator within a selected scheduling rectangle, at col. 7, lines 51-55).

Regarding claim 127, Rassman teaches the step of selecting including causing the display to change to indicate that the selected appointment is scheduled, taught as the display of a scheduling indicator within a selected scheduling rectangle, at col. 7, lines 51-55.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 52, 54-60, 62-64, 71-77, 79-81, 84, 86-88, 90-96, 103-105, 107-113, 115, 125 and 128 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rassman and Subas et al (US Patent 5,247,438), hereinafter Subas.

Regarding claim 128, Rassman teaches an appointment display and selection system similar to that of claim 127.

However, Rassman fails to explicitly teach displaying clickable spaces corresponding to the plurality of appointments, wherein the step of selecting includes clicking on a clickable space associated with the selected appointment, and wherein the step of causing the display to change includes highlighting the clickable space.

Subas teaches a "personal time management system" that allows for the input and display of scheduled events and related time-slots, similar to those of Rassman. Furthermore, Subas teaches displaying clickable spaces corresponding to the plurality of appointments, wherein the step of selecting includes clicking on a clickable space associated with the selected appointment, and wherein the step of causing the display to change includes highlighting the clickable space, taught as the selection of empty time-slot/consultant pairs through a simple click interface, at col. 2, lines 35-47.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Rassman and Subas before him at the time the invention was made to modify the appointment scheduler of Rassman to include the click-selection interface of Subas.

One would have been motivated to make such a combination for the advantage of scheduling events without the need to bring up a secondary menu screen. See Subas, Abstract. Furthermore, Rassman invites such a simple interface for inputting scheduling data, taught as the inputting, modifying, handling, and accessing of data through known methods and techniques, such as selecting an area on a display with a mouse, at col. 4, lines 20-35.

Regarding claim 52, Rassman and Subas teach the clickable spaces being within cells defined by the intersections of rows and columns, each cell corresponding to one of the combinations, at col. 4, lines 20-35 and seen in Fig. 1 of Rassman.

Regarding claim 55, Rassman and Subas teach the clickable spaces being within cells defined on the display device by the intersections of rows and columns, each cell corresponding to one of the plurality of appointments, further comprising clicking at least two adjacent time-

slots as a result of the clicking, taught as the use of well known selection techniques, at col. 4, lines 20-35 of Rassman.

Regarding claim 56, Rassman and Subas teach the first space being associated with a first time-slot and the clicking comprising clicking in the first space and dragging over a second space associated with at least one other time-slot, taught as the use of well known selection techniques, at col. 4, lines 20-35 of Rassman.

Regarding claim 57, Rassman and Subas teach coding the first and second spaces with the same code, taught as the graphical indication of a scheduling, status, or conflict, at col. 6, lines 11-18, and seen in Fig. 1 of Rassman.

Regarding claims 62 and 63, Rassman and Subas teach coding the first space with a first predetermined code to indicate the selection, further wherein the first code includes a color, taught as the graphical indication of a scheduling, status, or conflict, at col. 6, lines 11-18.

Regarding claim 72, Rassman and Subas teach the clickable spaces being within cells defined by the intersections of rows and columns, each cell corresponding to one of the combinations, further comprising selecting at least two adjacent time-slots as a result of the clicking, taught as the use of well known selection techniques, at col. 4, lines 20-35 of Rassman.

Regarding claim 73, Rassman and Subas teach the first space being associated with a first time-slot and the clicking comprising clicking in the first space and dragging over a second

space associated with at least one other time-slot, taught as the use of well known selection techniques, at col. 4, lines 20-35 of Rassman.

Regarding claim 74, Rassman and Subas teach coding the first and second spaces with the same code, taught as the graphical indication of a scheduling, status, or conflict, at col. 6, lines 11-18, and seen in Fig. 1 of Rassman.

Regarding claim 64, Rassman and Subas teach the use of menus for changing various display features of the invention, at col. 14, lines 40-47 of Rassman. While Rassman and Subas do not explicitly teach the display of an icon, and clicking on the icon for changing the code, it is notoriously well known in the art that selected menu items may have the same functionality as selected icons, and are often used interchangeably, for the purpose of faster access to widely used functions or features of an application.

Regarding claims 58 and 75, logging on to a computer is notoriously well known in the art. Similar appointment software such as Microsoft Outlook teach the ability to store appointment data over multiple work sessions, and maintains the information after an initial step of clicking in a time-slot, and a second log-on to a computer. Furthermore, Rassman has been shown to teach the use of well known interface manipulation techniques for entering and accessing relevant data.

Regarding claims 54, 59, 60, 71, 76 and 77, it is notoriously well known that appointments, in software such as that used by Rassman and Subas, may be scheduled for any number of reasons in order to remind the user of upcoming events. These appointments need

not be application specific, as Rassman and Subas allow the user to type in any information pertaining to an upcoming event. The Examiner takes OFFICIAL NOTICE of these teachings. Therefore, it would have been obvious to one of ordinary skill in the art to information that is user-specific and may be entered into the appointment system of Rassman and Subas to remind the user of an upcoming event.

Regarding claim 79, Rassman and Subas teach the clickable spaces being within cells defined by the intersections of rows and columns, each cell corresponding to one of the combinations, further comprising clicking at least two adjacent time-slots as a result of the clicking, taught as the use of well known selection techniques, at col. 4, lines 20-35 of Rassman.

Regarding claim 80, Rassman and Subas teach the first space being associated with a first time-slot and the clicking comprising clicking in the first space and dragging over a second space associated with at least one other time-slot, taught as the use of well known selection techniques, at col. 4, lines 20-35 of Rassman.

Regarding claim 81, Rassman and Subas teach coding the first and second spaces with the same code, taught as the graphical indication of a scheduling, status, or conflict, at col. 6, lines 11-18, and seen in Fig. 1 of Rassman.

Regarding claims 84, 86-88, 90-96, 103-105, 107-113, 115, and 125, Subas is shown to teach at col. 2, lines 35-47 clicking being a single click, wherein the first clickable space is a single clickable space.

Claims 50-51, 53, 61, 68-70, 78, 82, 85, 89, 97-99, 106, 114, 116 and 117 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rassman, Subas, and Rasansky (US Patent 5,960,406).

Regarding claims 50-51, 61, 68-69, and 78, Rassman and Subas teach an appointment display and scheduling system similar to that of claim 128. However, Rassman and Subas fail to explicitly teach blocking the clickable space associated with another of the plurality of appointments so that the other of the plurality of appointments cannot be selected by the user.

Rasansky teaches an appointment system similar to that of Rassman and Subas. Furthermore, Rasansky teaches allowing an administrator of the system interacting with a second display to enter identifying information into the system, taught as the manipulation of the Database Subsystem by an administrator using the Administration Subsystem, which stores all persistent information pertaining to client accounts and calendars. See Rasansky, col. 7, lines 63-67 and col. 8, lines 1-16. Administrators of various systems are well known to have access to functions and features not available to a user that allow for the monitoring and restriction of data to a user, and would therefore be capable of blocking a clickable space associated with another of said overlapping unscheduled appointments so that the other overlapping unscheduled appointment cannot be selected by the user.

Therefore it would have been obvious to one of ordinary skill in the art, having the teachings of Rassman, Subas and Rasansky before him at the time the invention was made to modify the appointment system of Rassman and Subas to include the administration system of Rasansky.

One would be motivated to make such a combination for the advantage of data monitoring, user access control, and other various features an administrator has over a system.

Regarding claims 53, 70, and 82, Rasansky, Rassman and Subas teach sending an e-mail and communicating by telephone to confirm an event, taught as the use of methods such as phone, fax, e-mail and pager to notify a user of a confirmation, at col. 8, lines 17-21 of Rasansky.

Regarding claims 85, 89, 97-99, 106, 114, 116 and 117, Subas is shown to teach at col. 2, lines 35-47 clicking being a single click, wherein the first clickable space is a single clickable space.

Response to Arguments

Applicant's arguments filed 7 July 2008 have been fully considered but they are not persuasive.

Applicant argues that Rassman "does not recognize conflicting appointments", and that Rassman "only displays appointments that have already been scheduled". However, Rassman discloses at col. 8, lines 5-7 the use of color, shading or shape as "conflict indicia", allowing a user to identify a scheduling conflict. Furthermore, Rassman teaches the display of unscheduled appointments, at col. 7, lines 35-40, as the display may designate blocks of time as "open" or the like, instead of being left blank.

With respect to the Subas reference, Subas is relied upon to teach the use of clickable spaces to schedule appointments and further graphical indication, and is not relied upon for conflict recognition, as argued.

Applicant argues on page 16 that "Claim 42 as previously presented required scheduling an appointment where there is a conflict". The examiner notes that none of claims 126-128, included to replace claim 42, require such scheduling. Furthermore, the examiner contends that

both Rassman and Subas allow for the scheduling of overlapping or conflicting appointments, as shown at col. 8, lines 5-7 of Rassman and seen in the conflict bar of Fig. 2 in Subas.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571)272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tadesse Hailu/
Primary Examiner, Art Unit 2173

Michael Roswell
9/22/2008